

REMARKS

This Amendment is being filed in response to the Final Office Action mailed August 29, 2007, which has been reviewed and carefully considered. Reconsideration and allowance of the present application in view of the amendments made above and the remarks to follow are respectfully requested.

In the Final Office Action, claims 1, 7-9, 11, 12, 16-18 and 20 are rejected under 35 U.S.C. §102(b) as allegedly anticipated by U.S. Patent No. 5,833,349 (Apple). Claims 1, 10, 12 and 19 are rejected under 35 U.S.C. §102(b) as allegedly anticipated by U.S. Patent No. 2,459,693 (Gordon). Claims 2, 3, and 14 are rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Apple in view of U.S. Patent No. 3,769,869 (Stone). Claims 4, 5 and 13 are rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Apple in view of U.S. Patent No. 6,172,613 (DeLine). Claims 6 and 15 are rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Apple in view of U.S. Patent No. 5,416,673 (Murai). It is respectfully submitted that claims 1-20 are patentable over Apple, Gordon, Stone, DeLine and Murai for at least the following reasons.

The Final Office Action has taken a position that claims must be distinguished over prior art in terms of structure and that limitations present in the claims, prior to the current amendment, in effect, recite a function. This assertion is respectfully

traversed. However, in the interest of expediting examination and allowance of the present application, the claims are amended to be in proper U.S. form. No new matter is added by these amendments and consideration and entrance of the amendments is respectfully requested.

It is respectfully submitted that the claims are in fact directed to structure including, for example, in claim 1 and substantially in claim 12 "after-glowing material is shaped in a predetermined pattern configured to display information and to be substantially invisible when the light means generates the primary light." Clearly the claims are directed to structure and not merely function.

Apple is directed to a shade that phosphoresces after the light from a bulb is extinguished (see, Abstract). As made clear in Apple, (emphasis added) "[t]he lamp shade 10 is fabricated from a clear plastic sheet containing a phosphorescent additive distributed uniformly throughout the sheet." (See, FIG. 1 and Col. 2, lines 50-52.) The Final Office Action has taken a position that this corresponds to the "after-glowing material ... shaped in a predetermined pattern configured to display information and to be substantially invisible when the light means generates the primary light" as required by claim 1 and as substantially required by claim 12.

This position is respectfully refuted. Apple does not disclose that the "the after-glowing material is shaped in a predetermined pattern ..." Where is the predetermined pattern? If the Final Office Action is asserting that the predetermined pattern is the lamp shade, certainly the lamp shade is visible when the lamp is on! Further, the phosphorescent additive distributed uniformly throughout the sheet is certainly not a predetermined pattern of the phosphorescent additive.

Similarly, Gordon is directed to a "laminated construction comprising a central phosphorescent sheet sandwiched between two red fluorescent sheets ..." (See, Col. 2, lines 16-19.) The Final Office Action asserts that the three laminations "formed to exact or approximate shapes" corresponds to the predetermined pattern of the after-glowing material (see, Final Office Action, page 7, numbered paragraph 3, lines 10-13), however these sheets in Gordon are again visible as the lens of the tail lamp regardless of whether the tail lamp is on or off. The section of Gordon cited in the Final Office Action for showing that the predetermined pattern is configured to be substantially invisible refers to the laminations 8 and 10 which are "otherwise clear and colorless" but are rendered red by "having incorporated fluorescent pigments of the proper color ..." (See, Col. 3, lines 57-60.) There certainly is no teaching in Gordon that these pigmented sheets are "substantially invisible" when the tail light is on. In fact,

Gordon teaches that the pigments "impart the red color to white light transmitted therethrough." (See, Col. 3, lines 59-60.)

It is respectfully submitted that the present device as recited in independent claim 1, and similarly recited in independent claim 12, amongst other patentable elements, recites (illustrative emphasis provided):

after-glowing material is shaped in a  
*predetermined pattern* configured to display  
information and to be *substantially invisible* when  
the light means generates the primary light.

Stone, DeLine and Murai and utilized for rejecting dependent claims and do not cure the deficiencies in Apple and Gordon.

Accordingly, it is respectfully submitted that independent claims 1 and 12 are allowable, and allowance thereof is respectfully requested. In addition, it is respectfully submitted that claims 2-11 and 13-20 should also be allowed based at least on their dependence from independent claims 1 and 12 as well as for the separately patentable elements contained in each of the dependent claims.

For example, Apple and Gordon alone and in combination with one or more of Stone, DeLine and Murai does not disclose or suggest "wherein intensity  $I_{1n}$  of the primary light emitted by the light means as compared to the secondary intensity  $I_{1s}$  of the secondary light emitted by the light-emitter is such that  $I_{1s}/I_{1n} < 0.5$ ", "wherein intensity  $I_{1n}$  of the primary light emitted by the light

means as compared to a secondary intensity  $I_{se}$  of the secondary light emitted by the light-emitter is such that  $I_{se}/I_{ln} < 0.1$ ", or "wherein a primary intensity  $I_{ln}$  of the primary light as compared to a secondary intensity  $I_{se}$  of the secondary light is at least one of  $I_{se}/I_{ln} < 0.5$  and  $I_{se}/I_{ln} < 0.1$ " as respectively required by claims 2, 3 and 14.

Stone is cited in rejecting claims 2, 3 and 14 however it is respectfully submitted that reliance on Stone is misplaced. Each of claims 2, 3 and 14 are directed to a relative illumination intensity of the primary light to the secondary light. The cited sections of Stone are directed to a duration of illumination of phosphorescent material and accordingly are unrelated to claims 2, 3, and 14.

Accordingly, separate consideration and allowance of each of the dependent claims is respectfully requested.


In addition, Applicants deny any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicants reserve the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

In view of the above, it is respectfully submitted that the present application is in condition for allowance, and a Notice of Allowance is earnestly solicited.

Respectfully submitted,

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